

Ms Joanne Abbiss
Chief Executive Officer
City of Armadale
7 Orchard Avenue
ARMADALE WA 6112

Our Ref: CMS 18002
Enquiries: Teresa Bryant, 6364 6421
Email: Teresa.Bryant@dwer.wa.gov.au

Dear Ms Abbiss

DECISION UNDER SECTION 48A(1)(a)
Environmental Protection Act 1986

SCHEME	City of Armadale Town Planning Scheme (TPS) 4 Amendment 118
LOCATION	Lots 9501, 9600, 9005, 9001 & 9800 Interdominion View, Lots 603, 15, 14, 13 & 150 Armadale Road, Lots 151, 100, 99 & 88 Warton Road, And Lot 9009 Lockeville Boulevard Piara Waters
RESPONSIBLE AUTHORITY	City of Armadale
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.

- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



Shaun Meredith
Delegate of the Environmental Protection Authority
Executive Director
EPA Services

26 October 2021

Encl. Chair's Determination
Scheme Advice and Recommendations

**ADVICE UNDER SECTION 48A(1)(a)
ENVIRONMENTAL PROTECTION ACT 1986**

**City of Armadale Town Planning Scheme (TPS) 4 Amendment 118
(West Piara Urban Precinct South)**

**Location: Lots 9501, 9600, 9005, 9001 & 9800 Interdominion View, Lots 603, 15, 14, 13
& 150 Armadale Road, Lots 151, 100, 99 & 88 Warton Road, and Lot 9009
Lockeville Boulevard Piara Waters**

Determination: Scheme Not Assessed – Advice Given (Not Appealable)

Determination Published: 25 October 2021

Summary

The City of Armadale proposes to rezone the West Piara Urban Precinct South in Piara Waters from 'Rural Living' and 'General Rural' zone to the 'Urban Development' zone.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the documentation provided by the City of Armadale. Having considered this matter the following advice is provided.

1. Environmental Factors

Having regard to the EPA's Statement of Environmental Principles, Factors and Objectives, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation.
- Terrestrial Fauna.
- Inland Waters.

2. Advice and Recommendations regarding Environmental Factors

The EPA notes the proposed scheme text as provided by the City at referral regarding future structure planning requirements including an Environmental Assessment Report, management plans and design considerations.

The EPA recommends the scheme text requirement regarding the future Environmental Assessment Report be modified to state:

- Clause 70.2 *"Prior to the preparation and lodgement of a Structure Plan, the applicant shall prepare an Environmental Assessment Report in consultation with the Department of Biodiversity, Conservation and Attractions to the satisfaction of the City of Armadale."*

Flora and Vegetation

The implementation of the scheme amendment will result in the potential clearing of priority flora species (up to ten individuals of *Jacksonia gracillima* and one individual of *Jacksonia sericea*) and potentially threatened flora *Caladenia huegelii* (subject to confirmation in spring 2021 survey). The EPA notes that based on habitat type and site-specific characteristics the probability of the species been recorded is low and that if *Caladenia huegelii* is present it is proposed that the area will be retained insitu.

The EPA supports the City of Armadale's proposed scheme text provisions for the following clauses and recommends the text be modified to state:

- Clause 70.3 (e) "*Environmental Management Plan, addressing actions to prevent and manage impacts of urban development on Threatened flora, vegetation identified for retention, for implementation at subdivision and development stage*".
- Clause 70.6 (c) "*Protection of significant flora, vegetation and environmental features*".

Terrestrial Fauna

The implementation of the scheme amendment will result in the potential clearing of low quality Black cockatoo foraging habitat, potential habitat trees (planted non-endemic Eucalyptus species and two (2) Jarrah (*Eucalyptus marginata*)) and Quenda Habitat.

The EPA is supportive of the implementation of the City of Armadale's Local Planning Policy PLN 2.4 Landscape Feature and Tree Preservation within the amendment area and scheme text provision Clause 70.6 (c) Protection of significant vegetation and environmental features".

Inland Waters

The Department of Biodiversity Conservations and Attractions (DBCA) completed a review of the wetland classification and wetland for wetland (UFI-7176, UFI-13342 and UFI-15532 (dated 11 August 2021; Ref No. 2021/001070-1) (DWER ref DWERDT501168), which was forwarded to the EPA and City of Armadale for consideration as part of the assessment of the scheme amendment. It is noted that the EPA has had due regard to DBCA advice.

It is noted that in accordance with proposed scheme provision text Clause 70.2 an Environmental Assessment Report (EAR) shall be prepared and lodged prior to Structure Plan. It is recommended that the EAR has due regard to the DBCA wetland reclassification assessment advice (Ref No. 2021/001070-1) as proposed in the revised concept plan (your ref 3278-43A-3; DWER ref DWERDT509144). The EAR is to be developed in consultation with the DBCA and DWER (not the EPA) and to the satisfaction if the City of Armadale.

It is strongly advised that a Wetland and Buffer Management Plan (WBMP) be prepared and approved to inform the Structure Plan to confirm the wetland core, function area and the suitability of the separation buffer as depicted in the revised concept plan (your ref 3278-43A-3; DWER ref DWERDT509144). The appropriate wetland buffer required will maintain the ecological and hydrological function of the wetland in accordance with the DPLH (2005) Guideline for the Determination of Wetland Buffer Requirements (or equivalent). The WBMP shall be endorsed by both the DBCA and City of Armadale to ensure the long-term functioning of the wetland.

Overall, the EPA supports the City of Armadale's proposed scheme text provisions and recommends the text be modified to state:

- Regarding future Environmental Assessment Report requirements to inform structure planning - Clause 70.2 (d) "*The identification and protection of Wetland UFIs 7176 and 13342 (as amended from DBCA wetland reclassification assessment Ref No. 2021/001070-1) including buffers and other areas of high quality vegetation.*"

- Regarding future plans to inform structure planning - Clause 70.3 (f) “Wetland and Buffer Management Plan, addressing mitigation, management and rehabilitation measures to ensure the long-term viability of the wetland and buffer area”.

Conclusion

The EPA concludes that the amendment can be managed to meet the EPA’s environmental objectives through the proposed scheme provisions. In addition, future planning processes and management measures will manage potential impacts. The EPA recommends its advice is implemented to mitigate potential impacts to the above environmental factors, in particular the recommended modifications to the scheme text.